

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WASHINGTON INTERNATIONAL
INSURANCE COMPANY,

Plaintiff,

v.

ARTEK BUILDERS, INC.,

Defendant

CIVIL ACTION NO. 05-CV-10437-GAO

L.R. 16.1(D) JOINT STATEMENT

The parties to the above-captioned action hereby submit this Local Rule 16.1(D) Joint Statement.

JOINT DISCOVERY PLAN

The parties have agreed to conduct non-phased discovery as follows:

1. The parties will serve all automatic required disclosures, pursuant to L.R. 26.2(A) and L.R. 26.1(B) and this Court's Discovery Order dated June 1, 2005, by August 3, 2005;
2. Once a party has complied with item one *supra*, that party may serve no more than 30 interrogatories (in no more than 2 separate sets) provided that such interrogatories are served no later than October 7, 2005;
3. Once a party has complied with item one *supra*, that party may serve requests for production of documents provided that such document requests are served no later than October 6, 2005;
4. Once a party has complied with item one *supra*, that party may serve no more than thirty requests for admissions provided that such requests for admissions are served no later than October 7, 2005;

5. All responses to written discovery must be served within the timeframes and requirements of the Federal Rules of Civil Procedure, unless otherwise agreed by the parties or ordered by this Court, and all responses to written discovery must be served no later than November 11, 2005 consistent with the timeframes and requirements of the Federal Rules of Civil Procedure;

6. All depositions must be noticed and completed no later than November 11, 2005;

7. Four depositions per party of no more than seven hours each;

8. The plaintiff will disclose any and all trial experts no later than November 11, 2005;

9. The defendant will disclose any and all trial experts no later than December 31, 2005; and

10. Notwithstanding the preceding, all expert depositions will be noticed and completed no later than December 31, 2005.

The Plaintiff anticipates deposing the following individuals and/or entities: As identified in Plaintiff's Automatic Disclosure Statement.

The Defendant anticipates deposing the following individuals and/or entities: As identified in Defendant's Automatic Disclosure Statement.

Both the Plaintiff and the Defendant reserve the right to depose individuals and/or entities not identified in this Joint Statement.

PROPOSED MOTION SCHEDULE

The parties agree that any motions to dismiss will be served and filed no later than May 31, 2005. The parties further agree that any motions for summary judgment shall be served and filed no later than December 8, 2005. The parties are unable to anticipate any other motions at

this time but agree that all pre-trial motions must be served and filed no later than December 15, 2005.

CERTIFICATIONS

Plaintiff's Certification

The undersigned hereby affirm and certify that they have conferred with a view towards (a) establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation and (b) considering the resolution of the litigation through the use of alternative dispute resolution programs.

Washington International Insurance Co.

/s/ Paula-Lee Chambers
Paula-Lee Chambers, Esquire

Defendant's Certification

The undersigned hereby affirm and certify that they have conferred with a view towards (a) establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation and (b) considering the resolution of the litigation through the use of alternative dispute resolution programs.

Artek Builders, Inc.

/s/ Gerald E. Johnson by Paula-Lee Chambers
Gerald E. Johnson, Esquire

Respectfully submitted:
WASHINGTON INTERNATIONAL
INSURANCE COMPANY,
By its attorneys,

ARTEK BUILDERS, INC.
By its attorneys,

/s/ Paula-Lee Chambers
Bradford R. Carver, BBO#565396
Paula-Lee Chambers, BBO#566888
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Dated: July 26, 2005

/s/ Gerald E. Johnson by Paula-Lee Chambers
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Dated: July 26, 2005